

**In the Title:**

Please make the following changes in the title:

~~COMPOSITION FOR DYEING HAIR~~ MULTI-COMPONENT KIT AND METHOD  
FOR TEMPORARILY DYEING AND LATER DECOLORIZING HAIR

## REMARKS

### I. ODP Rejection of Claims 1 to 10

Claims 1 to 10 were rejected under the judicially created doctrine of obviousness-type double patenting (ODP) over claims 1 to 6, 8 to 10 of U.S. Patent No. 6,652,601 B2.

A terminal disclaimer disclaiming that portion of the term of any patent issued from the above-identified U.S. Patent Application that extends beyond the term of U.S. Patent No. 6,652,601 B2 has been prepared and accompanies this amendment to overcome this ODP rejection in accordance with 37 C.F.R. 1.130 (b). The terminal disclaimer, which is signed by the undersigned attorney of record, has been prepared in accordance with 37 C.F.R. 1.321 (c).

Because of the filing of the terminal disclaimer, withdrawal of the ODP rejection of claims 1 to 10 of the above-identified U.S. Patent Application over claims 1 to 6 and 8 to 10 of U.S. Patent No. 6,652,601 B2 is respectfully requested.

### II. Obviousness and Anticipation Rejections based on Prior Art

Claims 1 to 4 were rejected as anticipated by Raue, et al, U.S. Patent 4,542,224.

Claims 1 to 3, 5 and 6 were rejected as obvious over Moller, DE 197 17 222 A1 or DE 197 17 223 A1 or Moller DE 197 17 224 A1.

This anticipation rejection and obviousness rejection have been obviated by the cancellation of claims 1 to 6.

### **III. Indefiniteness Rejection**

Claims 5 and 7 were rejected under 35 U.S.C. 112, second paragraph, for indefiniteness.

The rejection of claim 5 for indefiniteness is obviated by its cancellation.

Claim 7 has been amended to delete the term "ready-for-use" dyeing agent, which did not have antecedent basis. Now the terminology of canceled claim 1, which has basis in the originally filed specification, is used in claim 7, since claim 1 is canceled. Composition A is a composition for dyeing fibers. Composition A is made by mixing component A1, which contains the enamine, with component A2, which contains the aldehyde.

Also claim 7 has been amended so that it is now an independent claim by including the features and limitations of canceled claim 1 in order to define the metes and bounds of claim 7 entirely within claim 7. In other words, the dye composition is limited to the dye composition of canceled claim 1 that is made by mixing component A1 containing the enamine with component A2 containing the carbonyl compound.

Also the wording from claim 1 that is now in claim 7 was reorganized and revised to better meet formal requirements for claim wording. Claims, which include phrases with terms, such as "preferably" or "especially", are often found to be indefinite because the scope of the claim is somewhat uncertain. See

M.P.E.P. 2173.02, 2173.05 (d). The terms "preferably" or "especially" define preferred examples, so that it might be somewhat uncertain whether or not the claimed composition A is limited to the preferred groups. For that reason new dependent claims 11 and 12 have been added to claim the preferred groups in separate dependent claims, because applicants' want to make certain that the dye composition defined in claim 7 is only limited to the broader interpretation of the definition of the composition from canceled claim 1.

Generally claims 1 to 10 were English translations of foreign patent claims, which were not drafted in accordance with U.S. Patent Practice and the formal rules for claims of the U.S. Patent Office. Consequently some additional changes were made in kit claims 8 and 9 to provide kit claims in a form that complies better with U.S. Patent Office Rules. Proper Markush terminology has been provided as well as antecedent basis for claim terms.

#### **IV. New KIT and METHOD claims**

New dependent kit claims 11 to 17 have been added. These new dependent claims further define and limit the decolorizing composition B and dye composition A in the kit. New dependent kit claims 11 and 12 have been described above. New dependent kit claims 13 and 14 limit the enamine and carbonyl compounds of claim 7 to the preferred examples recited in canceled claims 3 and 4. Semicolons are used in new kit claims 13 and 14 to avoid confusion regarding when a compound name ends. New dependent kit claim 15 includes the subject matter of canceled claim 2 to further define the dye

composition of claim 7. New dependent kit claims 16 and 17 include the features and limitations of canceled kit claims 5 and 6, but have been drafted to comply with U.S. Patent Office Rules for claim form.

Method claim 10 has been canceled and is replaced by new method claims 18 to 20, which are based, in part, on claim 10 and, in part, on the disclosures on pages 9 to 11 of applicants' specification. These claims have been drafted considering the U.S. statutes, including 35 U.S.C. 112, second paragraph.

Neither Raue, et al, nor the Moller references disclose or suggest **kits and methods for temporarily dyeing fibers and later decolorizing the fibers, using a sulfite-containing decolorizing agent.**

Consequently favorable allowance of amended kit claims 7 to 9 and 11 to 17 and method claims 18 to 20 is respectfully requested.

#### **V. Specification, Title and Abstract**

Standard section headings recommended by U.S. Patent Office Rules have been added to the specification. The abstract has been amended to delete legalistic wording, namely "the object of the invention". Some other minor wording changes have been made in the abstract.

Also the title has been changed to a title that is descriptive of the invention as it is now claimed in claims 7 to 9 and 11 to 20.

### **VI. Information Disclosure Statement**

It is noted that the Information Disclosure Statement filed on July 2, 2002 was not considered by the Examiner. Another copy of this Information Disclosure Statement and a copy of the reference cited therein are attached hereto. It is requested that the Examiner now consider this reference.

### **VII. Change of Inventor Name**

It is further noted that the Office Action of May 12, 2005 continues to refer to the lead inventor as KUNZ, Manuela. However this inventor has married and changed her name to JAVET, Manuela.

A Petition Decision granting the change of name issued on April 5, 2005 prior to the issuance of the Office Action of May 12, 2005. It is respectfully requested that the name of the lead inventor now be changed to read JAVET, M. in the file and all correspondence sent to applicants' attorney.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233